

Special Programs

Laboratory Affiliates

Visas

OVERVIEW:

- .01 This subject describes Laboratory policies on visas for foreign nationals hired as Laboratory employees or Affiliates. According to Immigration and Naturalization Service (INS) regulations, every foreign national employed by or rendering services to the Laboratory must have an appropriate visa before the Laboratory makes any payments to the foreign national.
- .02 The type of visa required for an Affiliate is determined by the length of stay and the type of payments, if any. The type of visa required for an employee is determined by the type and length of appointment.

TYPES OF VISAS:**WB -- Visa Waiver**

- .03 Foreign nationals from certain countries can enter the U.S. on certain airlines without a visa stamp in their passport. The INS admits the individual on either a Visa Waiver for Business (WB) or for Tourism (WT). A holder of a WT cannot receive any payments in the U.S. A holder of a WB can be reimbursed for actual expenses only. This category is limited to 90 days in the U.S. and cannot be changed to any other type of visa.

B-1 -- Visitor for Business

- .04 Foreign nationals obtain this type of nonimmigrant visa from the U.S. consulate in their home countries for short business trips. This visa allows for the reimbursement of actual expenses only.

F-1 -- Student

- .05 This type of nonimmigrant visa cannot be sponsored by the Laboratory; however, a university or other institution of learning can sponsor it. The student must obtain the appropriate practical training and/or employment authorization from the

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sponsoring university before the Laboratory can make any payments to the individual.

J-1 -- Exchange Visitor .06 The Laboratory sponsors this type of nonimmigrant visa, which has a maximum 6-year limit. This category permits employees and/or Affiliates to accept salary, honoraria and/or fees, and travel expenses.

Note: The last 3 years must be approved by the U.S. Information Agency.

H-1 -- Temporary Worker .07 The Laboratory also sponsors this type of nonimmigrant visa. This visa, with a maximum 6-year limit, permits employees and/or Affiliates to accept salary, honoraria and/or fees, and travel expenses.

TC/TN -- North American Free Trade Agreement .08 Under the provisions of the Free Trade Agreement and the North American Free Trade Agreement, individuals from Canada and Mexico in specified professions can enter the U.S. for up to 1 year, with unlimited extensions possible, to engage in professional activities. Under this category, individuals can receive salary, fees, and/or reimbursement for expenses.

Permanent Resident .09 The Laboratory submits petitions on the foreign national's behalf under the employment-based categories of Permanent Resident Alien (PRA) petitions when a job offer is required. This category is limited to foreign nationals who are members of professions or who have exceptional ability in the sciences or arts and who have offers of full-time, regular employment.

RESPONSIBILITIES:

Sponsoring Organization .10 The sponsoring organization must inform the foreign national that an appropriate visa must be in his or her possession before ~~any~~ any payments can be made by the Laboratory to the individual. However, the sponsoring organization should not discuss specific visa arrangements with the foreign national. For example, the sponsoring organization

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may not make commitments about the type of visa that the Laboratory will sponsor or submit to INS.

- .11 The sponsoring organization must contact the Staffing Group in the Human Resources Division (HR) at least 3 months before the anticipated date of hire or beginning of service, so that the Staffing Group can review visa requirements and take action to obtain the appropriate visa from INS.

- .12 **Visa Petition Fees** — The sponsoring organization is charged for any filing fees associated with an INS petition, including any fees for educational equivalency statements when required by INS as part of the petition.

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- .13 **Nonimmigrant Visa Preparation** — After reviewing the visa requirements and determining the specific visa required, the Staffing Group prepares and submits the appropriate petition to INS. Normally, the Staffing Group prepares an IAP-66 for the J-1 visa; however, if the individual becomes subject to the 2-year foreign residence requirement, an H-1 visa petition may be prepared *upon the sponsoring organization's written request*. If the individual has already been in J-1 visa status under the sponsorship of another institution for the initial 3-year period, and is not subject to the foreign residence requirement, an H-1 visa petition will be prepared.

- .14 **PRAs** — The Staffing Group prepares **employment-based** immigrant (PRA) petitions where a job offer is required for foreign nationals with a Bachelor of Science degree or higher who have offers of full-time, regular employment.

CONTACTS WITH ORGANIZATIONS AND INDIVIDUALS:

- .15 The Staffing Group is the designated Laboratory contact with external organizations and/or individuals for visa issues. The Staffing Group obtains assistance as required. Neither sponsoring organizations nor foreign national employees or Affiliates should discuss or make contact with any external organization on behalf of the Laboratory in reference to visa issues or the preparation of visa petitions.

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